

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KANYON SAYERS-ROODS, POWER-OF-
ATTORNEY
FOR ANN-MARIE SAYERS OF THE
COSTANOAN
INDIANS OF INDIAN CANYON;

KANYON SAYERS-ROODS
(IN AN INDIVIDUAL CAPACITY)

Plaintiff(s)

-vs-

MARLENE RITA MACHADO

Defendant

C.A. No. 22-CV-03092

PLAINTIFF'S AFFIDAVIT IN SUPPORT OF
PLAINTIFF'S DOC. 12 ANSWER MOTION,
AND
PLAINTIFF'S (EMERGENCY) MOTION FOR
LEAVE ON JUDICIAL NOTICE OF
ADJUDICATIVE FACTS ON CLERICAL
ERRORS PURSUANT TO FED. R. EVID.
201(c)(2)

AFFIDAVIT

I, KANYON SAYERS-ROODS, a member of the Chualar-Costanoan Tribal Band of Indian Canyon, California, residing in San Jose, in Santa Clara County, California, MAKE UNSWORN OATH AND SAY THAT:

1. I declare that I hired legal services from Benders Legal Services of San Jose, California for court filings entered into the instant case by myself before June 2, 2022.
2. I declare that my amended complaint and TRO request, containing three cause claims, was certified and submitted to Bender Legal Services for filing on May 31, 2022.
3. I declare that Doc. 12, Order for Show of Cause was issued before my amended complaint and TRO motion (D.I. 13) was entered into the record, therefore being the result of an oversight or clerical error as defined under Fed. R. Civ. P. 60(a), or (b).

4. I declare that the record currently shows inference of clerical error(s), or an inadvertent mutilation(s) of the my court filing sent to Bender Legal Services, as D.I. 1-7 or any attachment among D.I. 1 et seq., contain "EXHIBIT U" or "EXHIBIT V" as listed on the *Table of Exhibits* [D.I. 1 at 10].
5. I declare that on or about May 31, 2022, I resubmitted 'EXHIBIT U' and 'EXHIBIT W' (that were missing from my initial filing of D.I. 1). However, presently '**EXHIBIT U**' (*Cease & Desist Notice to Defendant Machado*) is missing from the record; and "**EXHIBIT W**" (*DOI Land Trust Allotment Declaration as to Ann-Marie Sayers of the Costanoan Indian Tribe*) appears in the record in a mutilated state. Therefore, with the instant filing of my *Emergency Motion of Leave for Motion on Judicial Notice under F.R.E. 201*, I am resubmitting these exhibits in the original form for immediate review by this Court.
6. I declare that "**EXHIBIT Z**" filed hereunto are pictures of the rural mail box of Indian Canyon Road's residents, or tribal members and staff of the Costanoan-Chualar Indian Tribe of Indian Canyon. Moreover, I understand this rural mailbox is federal property of the United States Postal Service, whereby is in correlation with mailbox rental services under contract with myself and USPS pursuant to supporting exhibits filed in the instant case [D.I. 1-2 at 1-15].
7. I declare that on May 27, 2022, my tribal community's chief counsel, Cary Peterson, and myself, held special conference via phone with the Honorable United States Magistrate Judge Van Keulen concerning the initial motion, my agreement to prepare and file an amended complaint and TRO motion, and the urgent need for a civil standby in order to duly serve summons on Defendant Machado, whose refused to leave Indian Canyon, has habitually demonstrated acts of defiance of tribal land ordinances, violence against tribal members and staff, and is known to carry a machete or gun on her person while in the limits of Indian Canyon.
8. **I declare that in or about June 2022, I have not been able to access the rural mailbox for Indian Canyon, or collect any incoming (postmarked) mail items sent to Indian Canyon, due to Defendant Machado refusing to produce the key, or incoming mail items that, she at no time, since on or about March 8, 2022, when the cease and desist notice was issued by Legal Affairs Office of the Costanoan-Chualar Indian Tribe of Indian Canyon, has had right to such activities or property.**

[CERTIFICATION.]

9. On this 3rd day of June, 2022, I, Kanyon Sayers-Roods, a tribal member of the Indian Canyon Chualar Tribe of Costanoan-Ohlone People (*Chualar-Costanoan*), declare and submit the

foregoing as true and correct, under penalty of perjury and in lieu of oath pursuant to 28 U.S.C. 1746.

s/ Kanyon Sayers-Roods

(Signature)

KANYON SAYERS-ROODS